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Ad Hoc Intergovernmental Meeting on a Regional Arrangement for the Facilitation of Cross-border Paperless Trade

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Item 2 of the provisional agenda*
Update on the implementation of Commission resolution 68/3

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Note by the secretariat

Summary

The present document provides an update on progress made in the implementation of Commission resolution 68/3 of 23 May 2012 on enabling paperless trade and the cross-border recognition of electronic data and documents for inclusive and sustainable intraregional trade facilitation. It contains an introduction to and an overview of the resolution, followed by an account of progress made in implementation, including reporting results to the Committee on Trade and Investment at its third session in November 2013 and the progress of supporting capacity-building activities.

I. Introduction

1. Recognizing the potential benefits from conducting trade transactions on the basis of electronic rather than paper-based data and documentation, a number of Asian and Pacific countries began implementing paperless trade systems from the late 1990s and early 2000s. Economic gains from early implementation of such systems have been significant indeed: for example, after the introduction of the electronic single window in Singapore, the time to process trade documents was reduced from 4 days to 15 minutes; in Hong Kong, China, annual savings from the automated information transaction system are estimated at HK$ 1.3 billion; and the total annual savings for the business community from the use of the uTradeHub, which provides an automated information transaction system in the Republic of Korea, have been estimated to be between US$ 800 million and 1 billion.[1] Having witnessed these significant economic gains, many other countries in the region have been moving towards a paperless trade environment. On the basis of a survey carried out by the secretariat in collaboration with the Asian Development Bank as part of the Asia-Pacific Trade Facilitation Forum 2012,

* E/ESCAP/PTA/IGM.1/L.1.

[1] See United Nations Network of Experts for Paperless Trade in Asia and the Pacific, "Towards a single window trading environment", Brief No. 1, November 2009 (available from www.unescap.org/tid/unnext/pub/brief1.pdf).

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it can be shown that nearly all countries in the region already have some form of automated customs systems in place at key border checkpoints and that 54 per cent of the countries are actively engaged in developing single windows to enable traders to submit all the required information to government agencies at one time and place in electronic form.

2. However, most of the paperless trade systems in the region have been focused on facilitating information exchange between stakeholders domestically, while facilitating international trade inherently requires trade information to flow across borders along international supply chains. As a result, the flow of electronic trade information generated domestically encounters both technical and legal barriers beyond the border, requiring traders to maintain conventional paper-based trade practices and reducing the overall benefits and return on investment from paperless trade systems. The need to find effective ways to address these barriers has been regularly and increasingly raised by both public and private stakeholders in the region, in particular since the High-level Symposium on Building Regional Capacity for Paperless Trade, which was jointly organized by ESCAP and the Economic Commission for Europe on 24 and 25 March 2009. As a result of the symposium, several ESCAP member States decided to sponsor a draft resolution on the matter. The Commission subsequently adopted resolution 68/3 on 23 May 2012.

II. Overview of resolution 68/3

3. Resolution 68/3 was adopted with the aim of enabling paperless trade and cross-border recognition of electronic data and documents for inclusive and sustainable intraregional trade facilitation. In the resolution, the Commission invited member States to work towards the development of regional arrangements on the facilitation of cross-border paperless trade and encouraged all members and associate members:

(a) To support and participate in the United Nations Network of Experts for Paperless Trade in Asia and the Pacific (UNNExT);

(b) To initiate or accelerate the implementation of national paperless trade systems;

(c) To take into account, and whenever possible adopt, available international standards made by relevant United Nations bodies and other international organizations;

(d) To participate in the development of new international standards;

(e) To share lessons learned and the outcomes of existing bilateral and subregional pilot projects on the recognition and exchange of trade-related electronic data and documents with other members and associate members, and to initiate new ones;

(f) To consider entering into bilateral and subregional agreements on the cross-border recognition and exchange of trade-related documents.

4. At the same time, the Commission requested the Executive Secretary:

(a) To support and facilitate the process for the development of regional arrangements on the facilitation of cross-border paperless trade, including by conducting studies, developing potential options, and organizing expert review and member consultations, and in this regard to present its results to the Committee on Trade and Investment at its third session;

(b) To ensure that the regional arrangements take into account and are consistent with the existing international and regional agreements, mechanisms, and undertakings as well as build on existing international standards and conventions and are developed in consultation with the United Nations Commission on International Trade Law, the World Customs Organization and other relevant international bodies;

(c) To continue and further strengthen the secretariat's support for capacity-building activities related to trade facilitation and paperless trade, including transit facilitation, particularly with regard to least developed and landlocked developing countries and for the preparation, in consultation with member States, of such regional arrangements;

(d) To report to the Commission at its seventieth session on the progress made in the implementation of the resolution.

III. Progress made in the implementation of the resolution

5. As a first step in the implementation of the resolution, the secretariat sought nomination of national focal points from the Governments of ESCAP members so as to ensure effective communication with the relevant agencies. As of 31 January 2014, 33 ESCAP members and associate members have nominated their national focal points. In the interests of transparency and the exchange of outcomes, the secretariat has created a designated webpage[2] and has uploaded all the relevant documents that have been delivered as part of the implementation process, including draft texts and explanatory notes, for members' easy reference.

A. Conducting a study and developing potential options

6. Two regional experts with extensive work experience in customs and trade negotiations conducted a regional study and developed potential options. The consultants conducted an extensive review of relevant literature and projects, including national paperless trade systems and single windows, existing cross-border paperless trade initiatives, paperless trade provisions in free trade agreements, paperless trade initiatives in multilateral bodies, and legal issues in paperless trade. In order to verify certain information, they also carried out face-to-face interviews with the relevant stakeholders.

7. The study,[3] which incorporated contributions from regional experts and nominated national focal points, was peer-reviewed twice. On the first occasion, the Expert Review Meeting on Regional Arrangements for the Facilitation of Cross-border Paperless Trade was held in Colombo on 1 November 2012, to which all ESCAP members were invited to nominate participants. The second review (between 4 and 15 February 2013) was arranged online and took the form of revisions based on comments from the first round.

8. The study comprises: (a) an assessment of the need for regional arrangements on paperless trade in Asia and the Pacific; (b) a review of existing arrangements for the facilitation of paperless trade; (c) the proposed contents and features of a regional arrangement; (d) conclusions and a way forward; and (e) the proposed draft text of a regional arrangement on the facilitation of cross-border paperless trade for the Asia-Pacific region. The

[2] See www.unescap.org/tid/reso683.asp.

[3] "Study on regional arrangements for facilitation of cross-border paperless trade in Asia and the Pacific" (available from www.unescap.org/tid/projects/bpatf-report.pdf).

study provides potential options for regional arrangements and recommends a regional agreement that each ESCAP member may voluntarily decide to join, while providing for a flexible trade data exchange mechanism to be developed jointly by the parties to the agreement as the best option for the Asia-Pacific region.

B. Expert review

9. After the delivery of the final study in February 2013, expert reviews were organized from March to May 2013 so as to evaluate the findings of the study and refine the draft text of the regional arrangement contained therein.

10. The Expert Group Meeting on Enhancing Regional Connectivity through Trade and Investment: Towards Regional Arrangements for the Facilitation of Cross-border Paperless Trade was held in Bangkok on 13 and 14 March 2013, with the participation of members of the UNNExT Advisory Group on Implementation of ESCAP Resolution 68/3 and other regional experts. In line with paragraph 3(b) of the resolution, representatives of the United Nations Commission on International Trade Law (UNCITRAL) and the World Customs Organization (WCO) also participated in the meeting.

11. At the meeting, the findings of the study were reviewed and the proposed draft text of the regional arrangement was revised. Considering the technical and legal nature of some of the provisions, the meeting proposed to develop an explanatory note for the benefit of members in their review of the draft text at a later stage. A follow-up expert group meeting was therefore organized on 2 and 3 May 2013 in Bangkok, resulting in a further refined draft text and an explanatory note.

C. Member consultation

12. In order to maximize input from member States, the secretariat organized a series of consultations on the draft text of the regional arrangement and accompanying explanatory note. In July 2013, the secretariat organized three subregional consultations with national focal points and official nominees. An additional regional consultation was also arranged for 12 September 2013 in Beijing, back-to-back with the Asia-Pacific Trade Facilitation Forum 2013, mainly for those countries that could not join one of the three subregional meetings.

13. The secretariat organized a subregional meeting for South-East Asia which was held in Bangkok on 9 July 2013 and co-hosted by the Ministry of Commerce of Thailand. It was attended by national focal points or official nominees from the following ESCAP member countries: Cambodia; Lao People's Democratic Republic; Myanmar; Thailand; and Viet Nam. It was also attended by experts from Indonesia, Malaysia, the Philippines and Singapore. The meeting expressed satisfaction with the quality of the first draft text, finding the provisions of the draft text generally acceptable given the non-binding nature of most provisions.

14. A subregional meeting for South and South-West Asia was held in Bangkok on 12 July 2013. It was attended by national focal points or official nominees from the following ESCAP member countries: Bangladesh; Bhutan; India; Iran (Islamic Republic of); Nepal; Pakistan; and Sri Lanka. It was also attended by experts from India. The meeting achieved a consensus on the acceptability of the draft text, finding it to be consistent with the direction of national initiatives.

15. A subregional meeting for East and North-East Asia was held in Incheon, Republic of Korea, on 24 July 2013. It was attended by national focal points or official nominees from Mongolia and the Republic of Korea, as well as experts from China, Japan and Mongolia. The meeting found the draft text workable and well aligned with international approaches. On the basis of inputs from the three subregional meetings, the secretariat revised the draft text of the regional arrangement and the accompanying explanatory note in August 2013.

16. A regional meeting was held in Beijing on 12 September 2013. It was attended by national focal points or official nominees from the following ESCAP member countries: Afghanistan; China; Japan; Kyrgyzstan; Malaysia; Maldives; Philippines; Republic of Korea; Samoa; Turkey; Uzbekistan; and Viet Nam. It was also attended by experts from Azerbaijan, China, India, Malaysia and Tajikistan. The national focal point from Indonesia provided his comments separately for integration. Representatives of UNCITRAL and WCO also attended the meeting, which recognized the acceptability of the text and pointed out the need to move the text to the decision-making level. As part of the effort to build a broader consensus, comments and suggestions received during the regional meeting were integrated into the text when it was further revised in October 2013.

17. The secretariat has consulted the Treaty Section of the Office of Legal Affairs, which has provided comments on the final clauses of the draft text and other matters relating to the law of treaties. The comments received have been integrated into the draft text.

D. Report to the Committee on Trade and Investment at its third session

18. A report on the implementation of Commission resolution 68/3[4] was submitted to the Committee on Trade and Investment at its third session, which was held from 20 to 22 November 2013. The Committee noted the progress achieved in implementation and supported the desire of member States for a regional arrangement on cross-border paperless trade. The Committee agreed to continue negotiation of the arrangement and, having taken note of the need for further discussion, requested the secretariat to organize another consultation among member States in the form of an ad hoc intergovernmental meeting prior to the seventieth session of the Commission, so as to incorporate the relevant revisions to the existing draft text.[5]

E. Support for capacity-building activities

19. In accordance with the mandate specified in paragraph 3(c) of the resolution, the secretariat has continued to support capacity-building activities. The capacity-building activities organized with the support of the UNNExT are listed below.

[4] E/ESCAP/CTI(3)/9.

[5] For the report of the Committee, see E/ESCAP/CTI(3)/10.

No.	Capacity-building activities	Date and venue
1	ESCAP-ECO Joint Trade Facilitation Forum on Paperless Trade and Single Window	24-25 May 2012, Kish Island, Islamic Republic of Iran
2	ESCAP-ADB Capacity-building Workshop on Subregional Trade and Transit Cooperation for SASEC Countries	21-26 June 2012, Kathmandu
3	UNNExT Training Workshop on Business Process Analysis for Paperless Trade	10-11 September 2012, Bangkok
4	UNNExT High-level Business Process Analysis Workshop for South Asian Logistics and Connectivity	16 October 2012, Bangkok
5	SASEC Stakeholders Workshop on Subregional Trade and Transit Collaboration	29 October 2012, Colombo
6	Asia-Pacific Trade Facilitation Forum 2012	30 October-2 November 2012, Colombo
7	Global Facilitation Partnership for Transportation and Trade (GPF) Meeting	1 November 2012, Colombo
8	UNNExT Capacity-building Workshop for Tajikistan Single Window Implementation	18-19 November 2012, Bangkok
9	UNNExT Capacity-building Workshop for Cambodia Single Window Implementation	28-29 March 2013, Bangkok
10	ESCAP Workshop on Business Process Analysis Introduction and National Trade Facilitation Strategy of Kyrgyzstan	14 June 2013, Bishkek
11	Capacity-building Workshop on Facilitating Cross-border Paperless Supply Chain	10-11 July 2013, Bangkok
12	Subregional Capacity-building Workshop on Facilitating Cross-border Paperless Supply Chain	22-23 July 2013, Incheon, Republic of Korea
13	Asia-Pacific Trade Facilitation Forum 2013	10-11 September 2013, Beijing
14	APTFF Capacity-building Workshop on Designing and Implementing Trade Facilitation in Asia and the Pacific	12 September 2013, Beijing
15	South Asia Regional Training on Electronic Traceability and Market Access for Agricultural Trade Facilitation	24-26 September 2013, New Delhi
16	Regional Conference for Trade Facilitation and eBusiness	2-3 October 2013, Tabriz, Islamic Republic of Iran
17	UNNExT Masterclass 2013: Implementing Single Window and Paperless Trade	7-18 October 2013, Cheon-an, Republic of Korea
18	Workshop on Business Process Analysis for Trade Facilitation in Central Asia	12-14 November 2013, Almaty, Kazakhstan
19	Global Trade Facilitation Conference 2013	18-19 November 2013, Bangkok
20	Regional Training Workshop on Global Supply Chain and Trade Facilitation Implementation Guide	19-22 November 2013, Bangkok

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20. Most of the capacity-building activities have been implemented in close partnership with the relevant regional and global organizations, which helped enhance the number of participants that benefited from the activities, in particular least developed and landlocked developing countries. Some of the activities listed above have also been supported by a trust fund established by the Republic of Korea in May 2013.

21. In line with paragraph 3(c) of the resolution, the secretariat has organized the consultation meetings back-to-back with capacity-building events to maximize opportunities for members to build relevant capacities in paperless trade. The subregional meetings for South-East Asia and for South and South-West Asia were held back-to-back with a capacity-building workshop on facilitating the cross-border paperless supply chain in Bangkok on 10 and 11 July 2013, while the one for East and North-East Asia was organized back-to-back with a similar workshop, which was held in Incheon, Republic of Korea, on 22 and 23 July 2013. The regional meeting that was held on 12 September 2013 was organized back-to-back with the Asia-Pacific Trade Facilitation Forum 2013, which is a major regional platform for knowledge-sharing and networking in the area of trade facilitation and paperless trade.